

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,

Plaintiff,

v.

WILLIAM FRANCIS GALVIN, in his official
capacity as the Secretary of the Commonwealth
of Massachusetts and his individual capacity,
MICHELLE TASSINARI, in her individual
capacity, DEBRA O'MALLEY, in her individual
capacity, AMY COHEN, in her individual capacity,
and NATIONAL ASSOCIATION OF STATE
ELECTION DIRECTORS

Defendant.

CIVIL ACTION
NO. 1:20-cv-11889-MLW

**RESPONSE TO MOTION FOR JOINDER AND LEAVE TO FILE A SECOND
AMENDED COMPLAINT BY DEFENDANTS WILLIAM FRANCIS GALVIN,
MICHELLE TASSINARI, AND DEBRA O'MALLEY**

Defendants William Francis Galvin, Michelle Tassinari, and Debra O'Malley hereby submit this response to Plaintiff's motion to join Twitter, Inc. as a defendant in this lawsuit and for leave to file a Second Amended Complaint.

Although Plaintiff does not appear to have complied with Local Rule 15.1(b), which requires Plaintiff to serve his motion upon Twitter before filing it with the Court, Defendants take no position as to the propriety of adding Twitter as a party to this action, particularly because these Defendants neither represent Twitter's interests nor control its actions. Even though the Defendants take no position on Plaintiff's narrow request to bring Twitter into this suit as a party, Defendants note that Plaintiff continues to hurl unfounded accusations of perjury

at the Defendants, and Defendants expect that having Twitter joined would, at very least, serve to make clear that Plaintiff's baseless conspiracy theories are just that – unfounded and inflammatory prevarications.

As to Plaintiff's request for leave to file a Second Amended Complaint, Defendants again are unable to express a position on this motion because Plaintiff does not include a proposed Second Amended Complaint with his filing or indicate what theories of relief he may pursue against the Defendants. Although Plaintiff avers in his motion that he will assert no new claims against the Defendants, his motion makes clear that he intends to expand the scope of this litigation, not only by including Twitter as a new party but also by pressing his delusional and fact-free theory that the Defendants somehow cajoled Twitter into deplatforming him through the application of a mysterious algorithm designed to detect any instance in which he uttered a certain word. Defendants continue to maintain that Plaintiff's suit should be dismissed for the reasons set forth in their motion to dismiss, including on the basis of several immunities from suit. Defendants expect that, should Plaintiff's motion be allowed, they will likely move to dismiss any Second Amended Complaint he should file.

Respectfully submitted,

Defendants,

WILLIAM FRANCIS GALVIN, in his official and individual capacities, MICHELLE TASSINARI, in her individual capacity, and DEBRA O'MALLEY, in her individual capacity,

By their attorneys,

MAURA HEALEY
ATTORNEY GENERAL

/s/ Adam Hornstine
Anne Sterman (BBO No. 650426)
Adam Hornstine (BBO No. 666296)

Assistant Attorneys General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
617-963-2048
Anne.Sterman@mass.gov
Adam.Hornstine@mass.gov

Date: March 4, 2021

CERTIFICATE OF SERVICE

I, Adam Hornstine, Assistant Attorney General, hereby certify that I have this day, March 4, 2021, served the foregoing **Memorandum**, upon all parties, by electronically filing to all ECF registered parties, and paper copies will be sent to those indicated as non-registered ECF participants.

/s/ Adam Hornstine
Adam Hornstine